

16. The apparatus as in claim 12, wherein said blade cuts the web material at a location on the circumference of said rotatable drum.

A7 17. The apparatus as in claim 16, wherein said rotatable drum comprises a longitudinally extending groove defined in the circumference thereof, said blade moving into said groove to cut the web material.

18. (Amended) The apparatus as in claim 11, wherein said rotatable drum is biased with a spring to a neutral position, said spring causing said rotatable drum to continue to rotate to said neutral position subsequent to cutting of the web material.

#### REMARKS

With the present Amendment, claims 1 through 18 are pending.

Claims 1 through 18 were variously rejected under 35 U.S.C., § 112, as set forth in paragraphs 4 and 5 of the Office Action. The claims have been variously amended to overcome the § 112 rejections.

Claims 1 through 5, 10 through 13, and 16 through 18 were rejected under § 102(b) as anticipated by Shelley '331, as set forth in paragraphs 6 and 7 of the Office Action. Claims 6 through 9, 14, and 15 were rejected under 35 U.S.C § 103(a) as unpatentable over the combination of Shelley '331 in view of Hawkins, as set forth in paragraphs 8 through 10 of the Office Action.

Applicants respectfully submit that the claims as presented herein patentably distinguish over the applied art for at least the reasons set forth herein.

As amended, claim 1 calls for the dispensing apparatus to include a rotatable cutting mechanism that is mounted within the housing external of and adjacent to the rotatable drum. The cutting mechanism includes at least one cutting blade that moves

across a conveying path of the web material as the cutting mechanism rotates to automatically cut the web material. The cutting mechanism is engaged and moved by the rotatable drum along only a portion of the rotational arc of the rotatable drum. For the remaining portion of the rotational arc of the rotatable drum, the cutting mechanism is disengaged from the rotatable drum and is thus stationary. Claim 11 has been similarly amended. The combination of elements as set forth in independent claims 1 and 11 is distinctly different from the device according to Shelley '331.

Referring to lines 53 through 97 of Shelley '331, it can be seen that as soon as a user pulls on the protruding portion of the paper 19, the drum 23 is caused to rotate and the shaft 32 of the cutting mechanism is immediately turned by engagement of one of the apertures 38 of the member 36 with one of the pins 31 on the side of the drum 23. As the drum 23 continues to rotate, additional pins 31 engage the member 36 and continue to turn the shaft 32 of the cutting mechanism. The drum is eventually brought to a position wherein the aperture 28 is located to permit the passage of the cutter blade 33 into the drum through the aperture to cut or tear the paper 19 over the aperture. After cutting, the member 36 continues to rotate to its initial starting position illustrated in Fig. 3. Thus, it should be understood that the member 36 upon which the single cutting blade 33 is attached is engaged by the drum 23 (by way of pins 31) for the full rotational arc of the drum 23 resulting in the member 36 completing a full revolution for each cutting sequence. This is fundamentally different from the engagement and cutting mechanism of the present device wherein the rotatable drum is engaged with the rotatable cutting mechanism only through a portion of the rotational arc of the drum 34.

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Thus, the rotatable cutting mechanism need not be rotated a full revolution for each rotation of the rotatable drum.

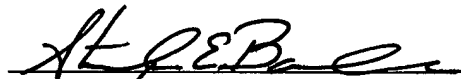
Accordingly, applicants respectfully submit that claims 1 and 11 patentably distinguish over Shelley '331.

Claims 2 through 10 only further patentably distinguish the combination of elements set forth in claim 1 and are thus also allowable. Claims 12 through 18 only further patentably distinguish the combination of elements set forth in claim 11 and are thus allowable.

Respectfully submitted,

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**Claim Worksheets for 09/741,499 (KCX-410)**

1. (Amended) An apparatus for dispensing and cutting measured amounts from a roll of web material, said apparatus comprising:

a housing;

a roll carrier disposed within said housing to rotationally carry a roll of web material to be dispensed;

a rotatable drum disposed within said housing proximate to said roll carrier, said roll carrier biased towards said rotatable drum so that the roll of web material carried by said roll carrier is frictionally engaged against said drum thereby causing said drum to rotate upon a free end of the web material being pulled from said housing;

a rotatable cutting mechanism mounted within said housing external of and adjacent to said rotatable drum, said cutting mechanism including at least one cutting blade that moves across [the] a conveying path of the web material as said cutting mechanism rotates to automatically cut the web material; and

wherein said cutting mechanism is engaged and moved by said rotatable drum along [at least] a portion of [the] a rotational arc of said rotatable drum causing said cutting mechanism to rotate and cut the web material, and said cutting mechanism is stationary and disengaged from said rotatable drum along a remaining portion of the rotational arc of said rotatable drum.

2. (Amended) The apparatus as in claim 1, wherein said rotatable drum comprises a radially extending lever arm, said lever arm engaging and moving said cutting mechanism along [a] the portion of the rotational arc of said rotatable drum.

3. (Amendment) The apparatus as in claim 1, wherein said cutting mechanism comprises a roll generally parallel to said rotatable drum, said at least one cutting blade extending radially from said cutting mechanism roll.

4. (Amendment) The apparatus as in claim 3, wherein said rotatable drum comprises a longitudinally extending groove defined in [the] a circumference thereof over which the web material passes [in its conveying path], said cutting blade moving into said groove at a rotational cutting position of said cutting mechanism to cut the web material overlying said groove.

5. (Amended) The apparatus as in claim 3, wherein said rotatable drum comprises a lever arm extending radially therefrom, said lever arm engaging and moving said cutting mechanism along [a] the rotational arc portion of said rotatable drum.

9. (Amended) The apparatus as in claim 8, wherein said cam members are circumferentially spaced such that each of said cam members is engaged and disengaged by said lever arm at generally [the] a same rotational position of said [rotational] rotatable drum.

10. (Amended) The apparatus as in claim 1, wherein said rotatable drum is spring biased with [an eccentric device] a spring to a neutral position, said [eccentric device] spring causing said rotatable drum to continue to rotate to said neutral position subsequent to cutting of the web material.

11. (Amended) An apparatus for dispensing and cutting measured amounts from a roll of web material, said apparatus comprising:

a housing;

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a roll carrier disposed within said housing to rotationally carry a roll of web material to be dispensed;

a rotatable drum disposed within said housing proximate to said roll carrier such that the web material runs around at least a portion of a circumference of said rotatable drum along [its] a conveying path of the web material causing said rotatable drum to rotate upon a free end of the web material being pulled from said housing;

a cutting mechanism including at least one cutting blade movably mounted within said housing external of said rotatable drum, for each dispensing operation of said apparatus said cutting mechanism is engaged and moved by said rotatable drum along a portion of [the] a rotational arc of said rotatable drum such that said cutting blade crosses [a] the conveying path of the web material and cuts the web material, said cutting mechanism stationary and disengaged from said rotatable drum along a remaining rotational arc of said rotatable drum.

12. (Amended) The apparatus as in claim 11, wherein said cutting mechanism comprises a roll that rotates about a fixed axis, said cutting blade extending radially from said cutting mechanism roll.

13. (Amended) The apparatus as in claim 12, wherein said cutting mechanism roll is engaged and moved by a radially extending member rotationally fixed to said rotatable drum.

14. (Amended) The apparatus as in claim 13, further comprising a plurality of said cutting blades circumferentially spaced around said cutting mechanism roll and a plurality of radially extending cam members alternately spaced between said cutting blades.

18. (Amended) The apparatus as in claim 11, wherein said rotatable drum is [spring] biased with [an eccentric device] a spring to a neutral position, said [eccentric device] spring causing said rotatable drum to continue to rotate to said neutral position subsequent to cutting of the web material.

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